



PREPROPOSAL STATEMENT OF INQUIRY

CR-101 (June 2004)

(Implements RCW 34.05.310)

Do **NOT** use for expedited rule making

Agency: Department of Ecology A.O. 04-10

Subject of possible rule making: This rule-making effort focuses on reviewing and updating the current rule on Agricultural Burning - Chapter 173-430 WAC.

Statutes authorizing the agency to adopt rules on this subject: RCW 70.94.650, RCW 70.94.743, and RCW 70.94.745.

Reasons why rules on this subject may be needed and what they might accomplish: Ecology is initiating rulemaking at this time in order to comply with a 9th Circuit Court of Appeals Settlement Agreement. Ecology is also fulfilling the mandatory regulatory review described in the Washington State Administrative Procedure Act, Chapter 34.05 RCW. The primary accomplishment of this review and update is to address legislative changes, technological changes, and settlement agreement items.

Identify other federal and state agencies that regulate this subject and the process coordinating the rule with these agencies:

There are no other federal or state agencies regulating Agricultural Burning in Washington State. However, local air authorities, counties, and conservation districts have the statutory authority to issue agricultural burning permits. Ecology will coordinate with these groups either through the advisory committee process or through one-on-one meetings. In addition, statute mandates the Agricultural Burning Practices and Research Task Force with specific permit program responsibilities. Ecology will consult with this group by scheduling time on the agenda for this purpose. Currently, the Agricultural Burning Practices and Research Task Force meets quarterly.

Process for developing new rule (check all that apply):

☐ Negotiated rule making

☐ Pilot rule making

☐ Agency study

☒ Other (describe) Rulemaking for significant legislative rules, as described in the Washington State Administrative Procedure Act. (Chapter 34.05 - RCW)

How interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication:

Interested parties can access more information on this rulemaking by contacting the Ecology staff member listed below or accessing the Ecology website: <http://www.ecy.wa.gov/laws-rules/index.html>

Melissa McEachron

Department of Ecology

P.O. Box 47600

Olympia, WA 98504-7600

Phone : (360) 407-6860

Fax : (360) 407-7534

Email: MMCE461@ecy.wa.gov

DATE

6/22/04

NAME (TYPE OR PRINT)

Mary Burg

SIGNATURE

STUART CLARK for MARY BURG

TITLE

Air Program Manager

CODE REVISER USE ONLY

CODE REVISER'S OFFICE

STATE OF WASHINGTON

FILED

JUN 22 2004

TIME 11:31 AM

WSR 04-13-125